

# MINUTES } CITY OF PIKEVILLE

## REGULAR MEETING - SEPTEMBER 26, 1983

The City of Pikeville Board of Commissioners met in a Regular Session on September 26, 1983 at 7:30 p.m. in the Old City Hall Meeting Room on Division Street.

Mayor W. C. Hambley, M.D. presided over the meeting. Commission members present were: Robert Page, Harding Dawahare, Buford Johnson, Roy Alexander, and Mayor Hambley.

The minutes for the previous regular meeting of September 12, 1983 and Continued Meeting of September 15, 1983 were read. On page 4, of the meeting of September 12, 1983, paragraph 5, involving the extension of lower Chloe Creek water lines, an addition was presented as follows: In the meeting of September 12, 1983, the Commission was presented an invoice in the amount of \$75,568.75 for this project. When the City Manager was asked to justify the difference, he responded that the first measurements were not correct. This is over a 20% error factor and I (Mr. Alexander) object to this haphazard manner of "homework". I believe the Commission should be given accurate information on which to base sound decisions. If we are to obligate the City, then the Commission should be furnished accurate information, or the information should be qualified that it is only an estimate or a guess.

On page 5, of the same minutes, paragraph #3, in reference to voiding a contract with On Line Business Systems, the phrase "against the City Attorney's advice" is deleted and substituted is Mr. Webster's opinion that it would be necessary for the City to have sufficient documentation to support the City's position that the software is not satisfactory. Further discussion and a letter of circumstances leading to the present position, indicated the City had sufficient documentation to cancel the contract with OBC Systems.

The third correction is made in reference to the meeting minutes of September 15, 1983, page 2, paragraph 2, regarding the motion made by Harding Dawahare to authorize borrowing \$200,000.00 for the Child Development Center in that Roy Alexander made an amendment that it be a condition that satisfactory list of resources and all known obligations be presented to the Commission before the loan could be authorized.

The preceding corrections are made and entered in. Harding Dawahare made the motion to approve the minutes as corrected. Buford Johnson seconded the motion. Upon roll call the vote was as follows:

COMMISSIONER:	ROBERT PAGE	YES
	HARDING DAWAHARE	YES
	BUFORD JOHNSON	YES
	ROY ALEXANDER	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

City Engineer, John Rasnick, was present to discuss the Boulevard Project's railroad change order. Mr. Rasnick reported that the Railroad Depot Platform is 18 inches above the road surface on one end. The reason for being off grade by approximately 11 inches is there is a problem with the wall at Meyers Towers where the road had to be constructed so many feet away from the wall to keep from damaging it. To correct the platform situation, Mr. Rasnick explained that there will be a monolithic type curb and an offset sidewalk to the platform.

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On Cedar Creek, Mr. Rasnick reported, according to the asbuilts, there should have been a 6" water main under street "C". When the contractors began work they discovered only a 3/4 inch line. The only problem foreseen is not being able to put a fire hydrant there.

On Fife Fork the City Engineers have prepared a map of all the old abandoned mines. They have worked with Mr. Carlton to prepare a letter to the State of Kentucky Abandoned Mines and Lands Properties and sent a proposal to the Division of AML to assess what damage may have been done to the residents of Fife Fork through the Mining of Fife Fork and Peter Fork. It was thought by the engineers that the result of the mining might have been the cause for insufficient and/or undrinkable water in this area. Mr. Rasnick explained that if damage has been done to the ground water supply from the result of mining, it is possible that there may be funds available through the AML to provide City Water to those residents.

In connection with the above, Buford Rose was present to discuss the Water Situation on Fife Fork. He has had his water tested and McCoy & McCoy reports that it is 250 Fecal Coliform, which is undrinkable. Mr. Rose explained that 6 years prior he had good water and that as Mr. Rasnick proposed, it may have been damaged by mining. Mr. Carlton explained that an agreement had been reached with Mr. Rose at a prior meeting that if the City extended the water line across the road, he would extend the line from there per City specifications. Mr. Rose explained that setting a 6 inch water line would be very costly to him and counter proposed the setting of a meter on his property, and he would hook up five houses to that meter. The opinion was voiced that the line should remain a 6" water line on up that Fork instead of the 2" that Mr. Rose proposed due to supplying adequate fire protection. Mr. Carlton was instructed to see if the State had any emergency funds for this type of matter, or to find an alternate source of funding so the City could take the line across the road and run it up Fife Fork. It was also asked that Mr. Carlton have the draftsman measure the area and give a cost estimate. Mr. Carlton explained that Summit Engineering had already given the City measurements for this area.

Danny Stratton was present to discuss with the Commission the proposed resurfacing of Walter's Road on Peter Fork. Mr. Stratton has obtained the necessary utility easements and has provided for road drainage on the left side of the road. The proposal is, and Mr. Carlton reported that they still need to obtain the Telephone Company's easement, to repave the road as was originally paved by the property owners. Mr. Carlton reported that there are places where there is excess right-of-way where there is planned to put in a lane where the road can be two way. There is also an agreement that one of the property owners will grade off the hill that is at the mouth of the Fork which will be done at his expense, but the City will repave that surface. The project is hoped to be started in October after Bill King Hollow Road is paved. Mr. Carlton told the Commission that he estimates \$10,000.00 for this project which will come out of the street budget (gas tax monies). Mr. Carlton explained that the only place where base work had to be done is where the hill will be graded off and where the road will be widened out. Also Mr. Carlton explained that there will have to be several culverts installed for road drainage so the road will not have to be paved every year. Mr. Alexander cautioned the Commission of problems resulting from not having adequate base. Mr. Stratton stated he did not know what type of base was on that road, but would check into it.

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Mr. Alexander wanted to be sure of the fact that accepting the easements would not obligate the City to repave the road. Mr. Alexander was assured that the easements only give the City the right to enter.

Buford Johnson made the motion to accept the road and utility line easements. Harding Dawahare seconded the motion. Upon roll call the vote was as follows:

COMMISSIONER:	ROBERT PAGE	YES
	HARDING DAWAHARE	YES
	BUFORD JOHNSON	YES
	ROY ALEXANDER	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

Mr. Alexander reported on the problem of refuse at the lower end of town. He didn't know whose responsibility it was (City or State) to keep this area clean, but stated that it should be cleaned if City responsibility or ask the State to have it cleaned if it is their responsibility. There is also the problem of dirt and leaves in the gutters and it was asked why the street sweeper wasn't used.

Also mentioned was the grates being off the storm drains which allows debris into the storm sewers.

It was asked by Mr. Alexander to have a report prepared and sent to the Commission regarding how much sewage is being dumped into the City's sewer system by County septic tank cleaning services and the amount of revenue that it generates. Mr. Carlton explained that the septic tank cleaning systems are charged \$100.00 per month per truck to dump. Mr. Alexander felt that this was not a fair system since City residents pay a charge of 85% of their water bill in sewage costs.

It was reported that a roller belonging to the City is in the weeds in "Robert Amos Park". It was asked if there was a part needed to repair the roller. It was the sentiment of the Commission that the roller should be moved to the garage at Island Creek.

Concerning the memo that the gas crew supervisor prepared and sent to the Commission on cutting back on independent gas wells and Columbia Gas Wells, Mr. Alexander stated that he did not agree with the dates for cutting off the gas wells. He fears that doing it the way the letter suggests will result in the same problem of not using the minimum from Columbia Gas. He felt that there should be someone to read the Columbia Gas Meter and when the minimum is used then cut back to the independent wells. Mr. Carlton explained that the meter charts are taken off and sent to Columbia Gas' office where someone there reads them. It was asked if it would be possible to make a copy of the chart or the reading before it is sent off.

Mr. Alexander asked the City Manager to prepare a table of organization of all City employees, by name, and who they are accountable to.

The City Bills totaling \$93,880.11 were presented to the Commission for approval of payment. Larry Webster asked that \$100.00 be added to the vouchers for court filing costs to sue Nancye Yost Caudill in connection with opening the City's alley. Buford Johnson made the motion, seconded by Robert Page to approve payment of the bills and to approve payment to Larry Webster for \$100.00 for filing court costs. The motion carried unanimously.

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Community Development Bills in the amount of \$6,033.51 were presented to the Commission for approval of payment for bills incurred by the Child Development Center. Buford Johnson made the motion to approve payment of these bills. Harding Dawahare seconded the motion. Upon roll call the vote was as follows:

COMMISSIONER:	ROBERT PAGE	YES
	HARDING DAWAHARE	YES
	BUFORD JOHNSON	YES
	ROY ALEXANDER	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

R.D. Zande and Associates Bill totaling \$5,376.00 was presented to the Commission for design fee of the proposed water treatment plant. The contract amount is \$179,200.00 and is 92% complete. Mr. Carlton wanted to make the Commission aware that the funds to pay this bill are coming from the interest earned on Area Development Funds that Mr. Herring invested in a certificate of deposit. Harding Dawahare made the motion to approve payment of the bill. Robert Page seconded the motion. Upon roll call the vote was as follows:

COMMISSIONER:	ROBERT PAGE	YES
	HARDING DAWAHARE	YES
	BUFORD JOHNSON	YES
	ROY ALEXANDER	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

A bill was presented to the Commission from Summit Engineering in the amount of \$1,986.51 for engineering and inspections on the Chloe Creek Water Line Extensions. It was explained that Summit did the asbuilts and estimates for extending the line up further on Chloe and over to Buford Rose's property. Mr. Carlton told the Commission that Summit Engineering is on a minimum retainer of \$2,150.00 per month and have had other bills that make up this retainer, but explained that only 1 month out of the last dozen or so have they been paid only the minimum.

Harding Dawahare made the motion to approve payment to Summit Engineering for this bill in the amount of \$1,986.51. Buford Johnson seconded the motion. Upon roll call the vote was as follows:

COMMISSIONER:	ROBERT PAGE	YES
	HARDING DAWAHARE	YES
	BUFORD JOHNSON	YES
	ROY ALEXANDER	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

The Roberts & Holcomb Bill for gas purchased during the month of August was presented to the Commission for approval of payment in the amount of \$3,133.50. Buford Johnson made the motion to approve payment. Harding Dawahare seconded the motion. Upon roll call the vote was as follows:

COMMISSIONER:	ROBERT PAGE	YES
	HARDING DAWAHARE	YES
	BUFORD JOHNSON	YES
	ROY ALEXANDER	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

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There was another bill presented to the Commission from the Highway Department in the amount of \$1,062,627.20 for water, sewer, and gas line adjustment on the Cut-Thru Project. The City's share is 62.9% of the estimated total project cost of \$1,689,391.42. Mr. Carlton told the Commission that it is intended to pay for this bill from the Urban Renewal Project's KY-R-72 approximate \$723,000.00 reimbursement. It was suggested that this item be brought back before the Commission when the Commission gets the list of all known obligations and resources that Mr. Herring is preparing. Mr. Carlton also told the Commission that the Highway Department is agreeable to accepting payment over 2 years i.e. half this year, half next year.

The Parking Meter Ordinance was revised and brought back to the Commission and given first reading. The Ordinance will be on file in the office of the City Clerk for a period of at least 10 days for public inspection. The Ordinance will be given second reading at the next regular meeting.

Mr. Carlton reported to the Commission that he had spoken with John Waddell, Pikeville Independent School Superintendent, about using the Old High School parking area for alternate parking when the contractors close the railroad bed for parking. Mr. Carlton told the Commission that they need to bring this request before the school board.

Another alternate parking source was Elster Elswick's lot on College Street, but Mr. Carlton reported that Mr. Elswick wanted the City to develop the lot and pay him \$200.00/month in rent. Some Commission members were against developing the lot and paying a monthly rent.

The Commission also asked Larry Webster, City Attorney, to have a list prepared showing suits filed and the status of each case.

Peter Zanetti, Vice President of Commonwealth Development Corporation, was present to discuss the proposed Buckley's Creek Bridge Project. It was reported that a check in the amount of \$150,000.00 has been presented from this firm for 10% of the projected cost of the bridge. Mr. Zanetti reported that there will be a traffic study for this project. As it is now this bridge is designed as a two lane, but have requested a revision to a 4 lane bridge depending on the traffic study. Included in the check was an estimated \$9,500.00 to cover 10% if the bridge is redesigned to 4 lanes. The agreement between the Kentucky Transportation Cabinet Department of Highways and City of Pikeville was presented for approval. The Commission voiced opposition to the bridge being turned over to the City for maintenance as the bridge is not in the City and the City is not qualified in bridge repair. Mr. Zanetti explained that the bridge will be dedicated to the City upon completion. Mr. Carlton was directed to negotiate with the State on the matter of maintenance. Also a concern was Section c of Article I of the contract where the City will agree to pay for 20% of the overrun if there is one. Mr. Zanetti explained that Commonwealth Development will be responsible for this amount, and have presented a letter to the Commission to this effect. Res 83-624

After considerable discussion, it was moved by Harding Dawahare, seconded by Buford Johnson to sign the agreement and send it to the State for approval along with the 10% deposit from Commonwealth Development Corporation. Upon roll call vote the motion carried as follows:

COMMISSIONER:	ROBERT PAGE	ABSTAIN
	HARDING DAWAHARE	YES
	BUFORD JOHNSON	YES
	ROY ALEXANDER	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

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It was also explained by the Commission to Mr. Zanetti that a binding letter is needed signed by one of the partners of this development, committing to pay the 20% (City) share and the 20% of the overrun if there is one, and also needed is some kind of run down on what the maintenance of this bridge is expected to be. A resolution was presented at a later date that authorized the signing of this contract.

A letter was presented to the Commission from Robert Billips in connection with the location of the proposed street across City property near the south end of the Coal Run Bridge. A map was also presented depicting the location of the proposed street. Mr. Billips stated that access has been provided between the proposed road and the property located west of the proposed railroad crossing. Mayor Hambley asked Mr. Carlton to make sure adequate access had been given to Charlie Van Hoose's property.

Mr. Carlton gave notice to the Commission that the ground breaking for Pike Villa, Inc. is scheduled for October 13, 1983.

Larry Webster made a verbal report on collecting Contractor's License Fees. It was reported that Holloway Construction's case has been heard but the judge has not rendered a decision. Codell Construction is awaiting the decision from Holloway Construction. Wayne Supply has appealed the decision that was found in the City's favor, but are depositing their fees into an escrow account. Also reported was that a telegram had been sent to Melco-Greer that work would be stopped unless their fee was paid.

Bids were opened at the previous meeting regarding the backhoe/end loader and were brought before the Commission for awarding. The Commission deferred awarding a bid for this item until spring or when needed.

A contract was presented to the Commission from the Pikeville Downtown Revitalization Authority to renew the agreement for \$30,000.00 funding. Mr. Dawahare explained that some of the money has been spent, but the renewal agreement is needed for the files. The money was funded from the Community Development Block Grant. It was asked that a report be presented to the Commission on how these funds will be spent.

Buford Johnson made the motion to approve renewing this agreement. Harding Dawahare seconded the Motion. Upon roll call vote, the motion carried as follows:

COMMISSIONER:	ROBERT PAGE	YES
	HARDING DAWAHARE	YES
	BUFORD JOHNSON	YES
	ROY ALEXANDER	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

A resolution was brought before the Commission and read to authorize the Mayor to reappoint Chester Smith to another 4 year term to serve on the Urban Renewal Board. Roy Alexander made the motion to authorize the Mayor to reappoint Mr. Smith to another term. Buford Johnson seconded the motion. The motion carried unanimously. R-83-023

Leon Huffman was present to ask the Commission's permission to have the Old Water Plant torn down so the space could be used for parking during the P A C E Coal Show. The Commission gave unanimous approval but asked that the pump tower not be torn down and that photos of the building be taken to Larry Webster's satisfaction for future reference in suits regarding the riverfill project.

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Mr. Carlton gave notice to the Commission that the Flood Control Meeting will be held on Wednesday, September 28, 1963 at 2:00 p.m. in the Old City Hall Meeting Room.

Buford Johnson made the motion to adjourn. Roy Alexander seconded the motion. Upon roll call the vote was as follows:

COMMISSIONER:	ROBERT PAGE	YES
	HARDING DAWAHARE	YES
	BUFORD JOHNSON	YES
	ROY ALEXANDER	YES
MAYOR:	W. C. HAMBLEY, M.D.	YES

The Motion Carried.

APPROVED

W. C. Hambley *WCH*

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